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Temujin Labs Inc., a Delaware corporation, and  
Temujin Labs Inc., a Cayman Islands corporation.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

TEMUJIN LABS INC., a Delaware  
corporation, and TEMUJIN LABS INC., a  
Cayman Islands corporation,

Plaintiffs,

v.

TRANSLUCENCE RESEARCH, INC., a  
Delaware corporation, BENJAMIN  
FISCH, CHARLES LU, BENEDIKT  
BÜNZ, NATHAN MCCARTY,  
FERNANDO KRELL, PHILIPPE  
CAMACHO CORTINA, BINYI CHEN,  
AND LUOYUAN (ALEX) XIONG, and  
DOES 1-20, inclusive,

Defendants.

CASE NO.: 4:21-cv-09152-JST

**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR ENLARGEMENT OF TIME  
UNDER FEDERAL RULE OF CIVIL  
PROCEDURE 6(b)**

[N.D. Cal. Civil Code Local Rule 6-3]

Courtroom: Courtroom 6, 2<sup>nd</sup> Floor  
Judge: Hon. Jon S. Tigar

Complaint Filed: November 24, 2021

**NOTICE OF MOTION AND MOTION FOR ENLARGEMENT OF TIME**

PLEASE TAKE NOTICE that pursuant to Northern District of California Civil Local Rule 6-3, Plaintiffs Temujin Labs Inc., a Delaware corporation (“Temujin Delaware”) and Temujin Labs Inc., a Cayman Islands corporation (“Temujin Cayman”) (collectively, “Plaintiffs”) respectfully move this Court for an order extending the time to effect service on Defendants Benedikt Bünz and Binyi Chen pursuant to Rule 6(b) for 60 days.

This Motion is made on the grounds that Plaintiffs have shown good cause by attempting to serve Defendants Benedikt Bünz and Binyi Chen in this action, and no parties will suffer any prejudice as a result of an order extending the time to effect service.

This Motion is based upon this Notice, the accompanying Memorandum of Points and Authorities, the Declaration of Craig A. Hansen, all pleadings, papers and other documentary materials in the Court’s file for this action, those matters of which this Court may or must take judicial notice, and such other matters as this Court may consider.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. Introduction**

Plaintiffs named the following defendants in this action filed on November 24, 2021: Translucence Research, Inc. (“Translucence”), Benjamin Fisch, Charles Lu, Benedikt Bünz, Nathan McCarty, Fernando Krell, Philippe Camacho Cortina, Binyi Chen, and Luoyuan (Alex) Xiong, and Does 1 through 20. Plaintiffs have served, or are in the process of completing service on, Translucence, Fisch, McCarty, and Lu. It is Plaintiffs’ understanding that Krell, Cortina, and Xiong all reside outside of the United States. It is Plaintiffs’ understanding that the other named defendants Bünz and Chen reside within the United States, but Plaintiffs have not been able to serve them yet, despite good faith efforts to do so.

Plaintiffs therefore bring this Motion pursuant to Northern District of California Civil Local Rule 6-3 and Federal Rule of Civil Procedure 6(b) requesting that this Court issue an order extending the time to effect service upon Bünz and Chen pursuant to Rule 6(b) for 60 days.

**II. The Motion to Extend Time to Serve Should be Granted**

Plaintiffs demonstrate good cause to extend the deadline to effect service. Therefore, the

1 Court should grant Plaintiffs' request for such an extension.

2 Pursuant to Federal Rule of Civil Procedure 4(m), service must be made upon defendants  
3 within 90 days of the filing of the Complaint, which, as Plaintiffs understand, means the deadline  
4 to effect service is February 22, 2022. Rule 4(m) does not apply to service in a foreign country,  
5 and so it is inapplicable to service upon Krell, Cortina, and Xiong. While Plaintiffs have served,  
6 or are in the process of completing service on, four of the named defendants residing in the U.S.,  
7 the remaining two named defendants residing in the U.S. have not yet been served, despite the  
8 good faith efforts of Plaintiffs.

9 Under Federal Rule of Civil Procedure 6(b)(1)(A), "[w]hen an act may or must be done  
10 within a specified time, the court may, for good cause, extend the time... with or without motion  
11 or notice if the court acts, or if a request is made, before the original time or its extension  
12 expires..." Pursuant to this Court's Local Rules, a party may move to enlarge time by filing a  
13 motion that is accompanied by a declaration that (1) sets forth with particularity the reasons for  
14 the requested enlargement, (2) describes efforts made to obtain a stipulation, (3) identifies the  
15 substantial harm or prejudice that would occur if the Court did not change the time, (4) discloses  
16 all previous time modifications, and (5) describes the effect the requested modification would  
17 have on the case schedule. *See* N.D. Cal. Civ. L.R. 6-3.

18 Here, Plaintiffs demonstrate good cause for extension of time to serve pursuant to the  
19 above rules. Plaintiffs engaged Pacific Coast Legal Services ("PCLS"), an attorney service  
20 company providing litigation support services, to assist Plaintiffs with service in this case. To  
21 begin that process, Plaintiffs asked PCLS to run "skip traces" on the individual defendants  
22 believed to reside in the U.S.<sup>1</sup>

23 With respect to efforts to serve the defendants, Plaintiffs have had varying success.  
24 Plaintiffs perfected service upon Translucence on January 27, 2022<sup>2</sup>, and service upon McCarty

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27 <sup>1</sup> Decl. of Craig A. Hansen, ¶ 2. Plaintiffs believe that Krell and Cortina reside in Chile, and Xiong resides in  
Singapore. Plaintiffs may need to seek the Court's assistance in the future with respect to service on Krell, Cortina,  
and Xiong.

28 <sup>2</sup> Decl. of Craig A. Hansen, ¶ 3, Ex. 1.

on February 7, 2022.<sup>3</sup> Plaintiffs served Fisch via substitute service on February 7, 2022.<sup>4</sup> Pursuant to stipulation, Hansen Law Firm, P.C., counsel for Plaintiffs, served Lu through his counsel on February 16, 2022.<sup>5</sup> Service upon the other two individuals—Bünz and Chen—believed to reside in the U.S., proved to be more difficult.

#### **A. Efforts to Locate and Serve Bendikt Bünz**

PCLS ran a skip trace on Bendikt Bünz, but was unable to locate Bünz.<sup>6</sup> However, based upon internet research, Bünz appears to be a PhD student at Stanford University's Applied Crypto Group (<https://crypto.stanford.edu/>). PCLS attempted to serve Bünz at the Stanford campus on February 14.<sup>7</sup> PCLS will make additional attempts, which will likely take additional time beyond the February 22 deadline.

#### **B. Efforts to Locate and Serve Binyi Chen**

PCLS ran a skip trace on Binyi Chen and made an initial attempt to serve Chen at an address believed to be a residence in Goleta, CA on January 31.<sup>8</sup> PCLS then made another attempt to serve Chen at an address believed to be a residence in Sunnyvale, CA on February 7.<sup>9</sup> Plaintiffs are attempting to determine additional addresses for Chen to make additional attempts at personal service, which will also likely take additional time beyond the February 22 deadline.

Plaintiffs have set forth with particularity the reasons for the requested enlargement with the efforts described above. (Local Rule 6-3(a)(1)). In the context of this request, there are no responding parties with whom to discuss a stipulation regarding the request for extension of time. (Local Rule 6-3(a)(2)). If Plaintiffs are not granted this extension, they will be substantially harmed or prejudiced in being able to proceed with their claims against these defendants.<sup>10</sup> Further, there is no harm or prejudice to the defendants. (*See* Local Rule 6-3(a)(3)). Indeed,

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<sup>3</sup> Decl. of Craig A. Hansen, ¶ 4, Ex. 2.

<sup>4</sup> Decl. of Craig A. Hansen, ¶ 5, Ex. 3.

<sup>5</sup> Decl. of Craig A. Hansen, ¶ 7, Ex. 5.

<sup>6</sup> Decl. of Craig A. Hansen, ¶ 8, Ex. 6.

<sup>7</sup> *Id.*

<sup>8</sup> Decl. of Craig A. Hansen, ¶ 9, Ex. 7.

<sup>9</sup> *Id.*

<sup>10</sup> Decl. of Craig A. Hansen, ¶ 10

1 Plaintiffs anticipate that defendants will likely coordinate with their co-defendants in this case.  
 2 Plaintiffs understand that Defendants Translucence, Fisch, and McCarty similarly moved this  
 3 Court for an order setting a single response date of March 18, 2022 for those three defendants  
 4 (ECF No. 13 filed on February 10, 2022). Plaintiffs did not oppose that motion, which is the only  
 5 prior motion for continuance thus far in this action. (Local Rule 6-3(a)(5)). Finally, Plaintiffs do  
 6 not believe the requested time modification would have any material effect on the schedule of the  
 7 case, as no trial date has been set.<sup>11</sup> (Local Rule 6-3(a)(6)). Plaintiffs have demonstrated good  
 8 cause for their requested extension of time to serve Bünz and Chen.

### 9 CONCLUSION

10 Plaintiffs respectfully request that this Court grant Plaintiffs request for an order extending  
 11 the time to effect service upon Defendants Benedikt Bünz and Binyi Chen pursuant to Rule 6(b)  
 12 for 60 days.

13  
 14 DATED: February 17, 2022

HANSEN LAW FIRM, P.C.

15 By: /s/ Craig A. Hansen  
 16 Craig A. Hansen

17 Attorneys for Plaintiffs  
 18 Temujin Labs Inc., a Delaware corporation, and  
 19 Temujin Labs Inc., a Cayman Islands corporation.  
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28 <sup>11</sup> Decl. of Craig A. Hansen, ¶ 10.